



VINCENT R. RUSSO
DIRECT LINE: 404-856-3260
Email: vrusso@robbinsfirm.com

September 29, 2020

Via CM/ECF Electronic Filing

The Honorable Amy Totenberg
United States District Court Judge
2388 Richard B. Russell Federal Building and U.S. Courthouse
75 Ted Turner Drive SW
Atlanta, Georgia 30303

**Re: Acceptance Test Procedures for November 2020 Election,
Curling v. Raffensperger, 1:17-CV-2989-AT**

Dear Judge Totenberg:

During the September 28, 2020 Telephone Conference, the Court directed the State Defendants to file a response today, September 29, 2020, addressing whether the State will conduct acceptance testing on the *de minimis* software update to the Dominion ICX BMDs before the devices are used in the 2020 General Election. The answer is yes, acceptance testing and a hash value comparison of the update will be performed by the State, and the counties will further confirm the hash value comparison of the update and then conduct Logic and Accuracy Testing—which uncovered the issue in the first instance, as it is intended to do.

As the Court is aware, the Secretary determined that, due to the large number of candidates in the United States Senate Special Election, the best and most equitable display for voters and the candidates is one which displays all twenty candidates on a single page, rather than requiring scrolling or two pages. The large number of candidates in that Special Election—twenty in all—is atypical for elections in Georgia. When configured to so display that race, Logic and Accuracy Testing discovered a rendering issue on the BMDs that occurred in rare instances and caused the second column of candidates to not appear. To address this issue that Logic and Accuracy Testing discovered (as it is designed to), the Secretary's vendor, Dominion, determined a software update to the application installed on the Dominion ICX BMDs is necessary. The issue, and the software update to address it, are limited to only the ICX BMDs and do not affect the scanners, printers, database, or EMS.

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The software update developed by Dominion has been submitted to the State's Voting System Test Laboratory, Pro V&V, for verification, validation, and testing. Once Pro V&V's inspection and review is complete, the State will receive a trusted build of the update, along with a hash value used to confirm that the installation received by the State is the same as tested and verified by Pro V&V. While Plaintiffs have claimed that malware could trick the hash value into matching, to do so would require knowledge of the update's hash value before it could be "spoofed" and further ignores that the hash value can be verified outside of the system itself.

Upon receipt of the software update, the Center for Elections Systems ("CES") will confirm the hash value and install the update on a sample of BMDs maintained within CES. After installation, CES will perform further testing to ensure the revised application addresses the occurrence identified in Logic and Accuracy Testing and does not adversely affect any other operations that the ICX BMD application is required to perform.

Only after the testing conducted in-house at Dominion during development, by Pro V&V, and at the Center for Elections Systems, will the software update be prepared for distribution to all 159 counties. This distribution will be provided to each county along with instructions for installing the update to their BMD units. County superintendents will be instructed to verify the new application version number, confirm the hash value against the new value of the trusted build, and then conduct Logic and Accuracy Testing on the devices.

Sincerely,

/s/ Vincent Russo
Vincent R. Russo